

Translation

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>JST-114-PCT</b>	<b>FOR FURTHER ACTION</b>	See Form PCT/IPEA/416
International application No. <b>PCT/JP2004/004196</b>	International filing date (day/month/year) <b>25.03.2004</b>	Priority date (day/month/year) <b>25.03.2003</b>
International Patent Classification (IPC) or national classification and IPC		
<p>Applicant  <b>JAPAN SCIENCE AND TECHNOLOGY AGENCY</b></p>		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of <u>1</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																								
<p>4. This report contains indications relating to the following items:</p> <table> <tbody> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </tbody> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input checked="" type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/004196

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:
- international search (Rule 12.3 and 23.1(b))
  - publication of the international application (Rule 12.4)
  - international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
- the international application as originally filed/furnished
- the description:  
pages 1-7 as originally filed/furnished  
pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- the claims:  
nos. 2-5 as originally filed/furnished  
nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19  
nos.\* 1 received by this Authority on 04.08.2004  
nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- the drawings:  
sheets 1/10-10/10 as originally filed/furnished  
sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_  
sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3.  The amendments have resulted in the cancellation of:
- the description, pages \_\_\_\_\_
  - the claims, nos. \_\_\_\_\_
  - the drawings, sheets/figs \_\_\_\_\_
  - the sequence listing (*specify*): \_\_\_\_\_
  - any table(s) related to sequence listing (*specify*): \_\_\_\_\_
4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- the description, pages \_\_\_\_\_
  - the claims, nos. \_\_\_\_\_
  - the drawings, sheets/figs \_\_\_\_\_
  - the sequence listing (*specify*): \_\_\_\_\_
  - any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.	PCT/JP2004/004196
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Box No. V	<b>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</b>
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## 1. Statement

Novelty (N)	Claims	1-5	YES
	Claims	_____	NO
Inventive step (IS)	Claims	1-5	YES
	Claims	_____	NO
Industrial applicability (IA)	Claims	1-5	YES
	Claims	_____	NO

## 2. Citations and explanations (Rule 70.7)

Document 1: JP 2001-272372 A (Japan Science and Technology Corp.), 05 October 2001, entire text and fig. 1 to 10 & WO 01/73421 A1 & EP 1186885 A1 & US 2002/157949 A1

Document 2: JP 2002-286692 A (Japan Science and Technology Corp.), 03 October 2002, entire text and fig. 1 to 6 & WO 02/77632 A1

Document 3: Yusuke NAKAMURA et al., "Diamond no ISFET he no Ozon Shori no Eikyo," Heisei 14 Nen Dai 16 Kai Diamond Symposium Koen Yoshishu, 25 November 2002, pages 210 to 211

Document 4: JP 8-240555 A (Kobe Steel, Ltd.), 17 September 1996, entire text and fig. 1 to 27 & US 5777372 A1

Claims 1 to 5

Documents 1 and 2 cited in the international search report disclose p-channel field-effect transistors, wherein a liquid electrolyte is employed as the gate and the hydrogen-terminated surface of the diamond is configured so as to form the channel, and also disclose sensors that employ said field-effect transistors.

However, said documents do not disclose or suggest the

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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feature wherein the surface of the diamond comprises a mixture of hydrogen terminals, oxygen terminals and amino terminals.

Document 3 cited in the international search report discloses a p-channel field-effect transistor, wherein a liquid electrolyte is employed as the gate and a polycrystalline diamond surface that comprises a mixture of hydrogen terminals and oxygen terminals is configured so as to form the channel, and also discloses sensors that employ said field-effect transistors. However, said document does not disclose or suggest the feature wherein the surface of the diamond comprises a mixture of hydrogen terminals, oxygen terminals and amino terminals.

Document 4 cited in the international search report defines the general state of the art in relation to sensors that employ field effect transistors wherein a chemically modified diamond surface has been configured so as to form a channel; however, said document does not disclose or suggest the feature wherein the surface of the diamond comprises a mixture of hydrogen terminals, oxygen terminals and amino terminals.

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**Box No. VI      Certain documents cited**

## 1. Certain published documents (Rule 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
JP 2004-109020 A	08.04.2004	20.09.2002	

[E , X]

## 2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)